

REMARKS

By this amendment, claims 2-6, 8-17, 20-24, 26-31, 33-41, 43-57, and 61-64 are pending, in which claims 58-60 are canceled without prejudice or disclaimer, claims 2-6, 8-17, 20-24, 26-31, 33-41, 43-53, 56, 57, and 61-63 are currently amended, and claim 64 is new. No new matter is introduced.

The Office Action mailed May 14, 2010 rejected claims 2-6, 8-17, 20-24, 26-31, 34-41, and 43-63 under 35 U.S.C. § 103(a) for obviousness predicated upon *Rochford* (The Impact of Mobile Application Technology on Today's Workforce, March 2001) ("Rochford") in view of *Fox et al.* (U.S. Publication No. 2002/0077823) ("Fox"), and claims 5 and 33.

Claims 2-6, 8-17, 20-24, 26-31, 34-41, and 43-63 were rejected under 35 U.S.C. § 103(a) for obviousness predicated upon Rochford in view of Fox.

With respect to the obviousness rejection of claims 2-4, 6, 8-17, 20-24, 26-31, 34-41, and 43-63 based on Rochford in view of Fox, Applicant respectfully traverses as the references fail to teach all features of the claims.

With respect to the obviousness rejection of claims 58-60 based on Rochford in view of Fox, Applicant respectfully submits that the rejection is now moot as claims 58-60 are canceled without prejudice or disclaimer. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

There are substantial differences between the claimed method and system on the one hand and those of the applied references on the other hand that undermine the obviousness conclusion under 35 U.S.C. §103(a). Specifically, independent claim 50 recites, *inter alia*: "receiving device-independent content . . . **wherein the device-independent content is responsive to a content request from a device . . . matching at least one of the device feature values**

associated with the device-independent content with at least one of the device features values associated with the device.” (Emphasis added). Similarly, independent claim 51 recites, *inter alia*: “**receive a content request from a device . . . and, in response thereto, to provide device-independent content corresponding to the content request . . . associate at least one of the device feature values associated with the device-independent content with at least one of the device features values associated with the device.**” (Emphasis added). Independent claim 52 recites, *inter alia*: “**receiving a request for content from a device . . . receiving content responsive to the request . . . matching one or more device display characteristics with one or more content display characteristics.**” (Emphasis added). Independent claim 53 recites, *inter alia*: “**receiving a request for content from a device . . . receiving device-independent content responsive to the request for content . . . matching one or more display feature values associated with the requesting device with one or more content display feature values in the embedded annotations in the device-independent content.**” (Emphasis added). Independent claim 56 recites, *inter alia*: “**receive device-independent content . . . wherein the device-independent content is responsive to a content request from a device . . . match at least one of the device feature values associated with the device-independent content with at least one of the device features values associated with the device.**” (Emphasis added). These features are neither disclosed nor suggested by any of the applied references.

In an attempt to satisfy the above claim features, the Office Action, on page 3, refers to pages 17, 21, 22, and 24 of Rochford. First, Rochford is relied on for allegedly teaching **access to some XML-based content**. Second, Rochford is relied on for allegedly teaching an interaction server that identifies the specific device requesting content, renders the request (e.g.,

by finding the device-specific content requested), and serves the content in a format for the device. Third, Rochford is relied on for allegedly teaching a transform engine used by the interaction server's developer studio application. As described, the developer studio application enables the developer to see how the developer's application will appear on different device models, which allows the developer to create device-specific content more efficiently than the prior art.

The Office Action, on page 3, further refers to paragraphs [0062] and [0063] of Fox, which state the following (emphasis added):

[0062] Each program element includes corresponding markup code in Multi-Target Markup Language™ (hereinafter, "MTML"). MTML™ is a language based on Extensible Markup Language (hereinafter, "XML"), and is copyright protected by iConverse, Inc., of Waltham, Mass. MTML is a device-independent markup language. **It allows a developer to create software applications with specific user interface attributes for many client devices without the need to master the various display capabilities of each device.**

[0063] Referring to FIG. 10, the MTML that corresponds to each program element the developer has selected is stored, typically in a source code file 1022. **In response to the capability parameters, the system adapts the MTML to each target device the developer selected in step 104 in a substantially simultaneous fashion. In one embodiment, the adaptation is accomplished by using a layout file 1024. The layout file 1024 is XML-based and stores information related to the capabilities of all possible target devices and device categories. During adaptation, the system establishes links between the source code file 1022 and those portions of the layout file 1024 that include the information relating to the devices selected by the developer in step 104.** The establishment of these links ensures the application will appear properly on each target device.

At best, the reference to Rochford teaches a system that supports access to numerous XML-based content, wherein **the XML-based content is information relating to “the models of a growing number of different devices . . . ,” (i.e., device-specific content)**, as described on page 20 of Rochford. (Emphasis added). As further described on pages 17-20 of Rochford, the system consists of a developer studio application, an interaction server, and a conversation

server. With regard to the developer studio application and the interaction server, the developer studio application runs on the interaction server and uses interaction server components such as the transform engine. The transform engine, as depicted on page 24, applies the “device and page appropriate style sheet[s].” As such, the studio developer application may use the transform engine of the interaction server to allow the developer to perform tasks such as switching “styles **through a transform pick list** to decide which [design] is most effective.” (Emphasis added). In addition, the interaction server is able to search for the device-specific content created by the developer through the developer studio application in response to a request from a mobile user, and thereafter, provide the device-specific content to the mobile user.

As further detailed on pages 18-20 of Rochford, and paragraphs [0062] and [0063] of Fox, the Rochford/Fox system **allows a developer to create software applications for a number of client devices through “parallel publishing” by selecting the devices he/she wishes to target.** (Emphasis added). The developer studio application incorporates “parallel publishing” by enabling the developer to see, almost immediately, how the developer’s application will appear on different device models. Thus, as provided in the Fox Abstract, the system is a “software development method and apparatus . . . **for the simultaneous creation of software applications that operate on a variety of client devices . . .**” (Emphasis added). Accordingly, the Rochford/Fox systems merely enable the developer to create device-specific content for a number of different devices.

However, neither Rochford nor the combination of Rochford and Fox teaches the feature of receiving device-independent content much less the feature of **wherein the received device-independent content is responsive to a content request from a device**, as provided in the above claim features. Moreover, the references do not teach the feature of **matching the**

content's device feature values with the device's feature values, where the device is the device that initially made the request for the content. As previously mentioned, the transform engine is merely used by the developer studio application to assist a developer in creating applications for a number of different mobile devices, not for matching and/or conversion of device-independent content for any specific device.

Based on the foregoing, it is apparent that even if the applied references are combined as proposed by the Examiner, and Applicant does not agree that the requisite basis for the asserted motivations been established, the claimed inventions would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicant, therefore, submits that the imposed rejection of claims 2-4, 6, 8-17, 20-24, 26-31, 34-41, 43-57, and 61-63 under 35 U.S.C. §103(a) for obviousness predicated upon Rochford in view of Fox is not factually or legally viable and, hence, solicit withdrawal thereof.

Dependent claim 33 was rejected without being addressed.

With respect to the rejection of claim 33, Applicant respectfully traverses as the Examiner has failed to provide a prima-facie rejection. The Examiner has not even alleged that any part of the references disclose or even suggest the claim features. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

New claim 64.

New claim 64 is based on claim 50 and is allowable for at least the reasons that claim 50 is allowable. Further, claim 24 recites the claim feature “wherein the device is a network terminal device.”

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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